

REMARKS

Reexamination and reconsideration of this application is respectfully requested in light of the foregoing amendments to the claims and the following remarks.

Claims 1, 5, 6 and 11-13 are pending in this application. Claims 2-4 and 7-10 were previously canceled. No new claims have been added. Claims 1 and 12 have been amended. No new matter has been added to the application.

Applicant appreciates the granting of the interview on July 10, 2007. While no agreement was reached as to claim language, the Examiner position was clarified in that he is focusing on the parameters for color compression to distinguish the prior art over the claimed subjected matter. In an effort to distinguish over the prior art, independent claims 1 and 12 have been amended to recite that the color compressing controller compresses uniformly all of said plural pages using the same parameters which are decided on a job basis so as to supply the processed data to the output device. Thus, the same color parameters is applied equally to all pages in the job, not different parameters for each page in the job. This feature is not taught by the prior art relied upon by the Examiner. Support for the amendments can be found at page 4, lines 18-21 and page 6, lines 16-18 of the specification.

Rejection Under 35 U.S.C. § 103

Claims 1, 5, 6 and 11-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki et al. (U.S. Patent No. 5,828,780) in view of Ito et al. (U.S. Patent No. 5,884,120). The Examiner repeated the reasons in the previous Office Action for the rejection and made the rejection final.

According to the Examiner, the arguments presented by Applicant were not persuasive because Suzuki et al. teach “(i) determining the data is within the color reproduction range of the output device ... and (ii) selecting the parameters ... that would provide uniform color production of all of the pages of the print job” (underscoring added). Applicant respectfully disagrees with the Examiner’s position with respect to item (ii). Suzuki et al. do not disclose or suggest item (ii). The reference speaks in terms of “an image,” and not of a file that contains a plurality of pages.

In Step S303 shown in Fig. 3 of Suzuki et al., the parameters obtained for a maximum color reproduction range are computed for a virtual image output device. Step S303 is different from a step of calculating parameters used for color compression in accordance with the present claimed invention. The parameter computing section 1602 of Suzuki et al. is based on a fixed point. The section uses a fixed point to set a skin color of a human face in a color space and computes the parameters used for compression of a color reproduction range based on the fixed point. That is not the feature of the claimed subject matter in the present application.

The novelty of the present invention is to determine, for a single job, a parameter to be used for compression of a color reproduction range for all pages of the job. The parameter is not based on a fixed point on a page. Suzuki et al. performs there calculations separately for each page. Therefore, each page of the job will have different parameter(s). Thus, following the teachings of Suzuki et al., the color compression is not uniform and will vary from page to page of the job. The present invention solves this problem by using the same parameters for each of the plural pages of the job. Independent claims 1 and 12 have been amended to clarify this feature of the invention.

The Examiner argues that Suzuki et al. disclose a plurality of storage areas and concludes from this teaching that “[i]t is well known [i.e., common knowledge] that these storage areas can store plurality of image data or files depending on its storage capacity.” The Examiner has not relied on any specific teaching of Suzuki et al. or Ito et al. to support this conclusion. Reliance on common knowledge does not fulfill the Examiner's obligation to cite references in support of his or her conclusion. *In re Lee*, 277 F.3d 1338, 61 USPQ2d 1430 (Fed. Cir. 2002).

The Examiner concludes that a “[d]ocument with plurality of pages [is] well known in the art and widely used in the art.” For support, the Examiner relies on Ito et al. The Examiner states in the response to Applicant's arguments that “Suzuki's disclosure refers document data as an ‘image data’ or ‘document data’ as taught by Suzuki is not limited to just one page, but can also contain a plurality of pages (as taught by Ito).” The reasons for making this conclusion are not explained in the Office Action. The Suzuki “image data” is not equated to “document data”. Suzuki et al. do not use the term “document data.” Further, as concluded by the Examiner, Suzuki et al. fail to disclose processing “plural pages” as required by the rejected claims. Ito et al. likewise do not disclose processing “plural pages,” but a single page on which up to four color images are placed (col. 6, lines 13-25).

The combined teachings of Suzuki et al. and Ito et al. would have led a person having ordinary skill in the art to process image data which includes up to four images per page. The combined images do not suggest nor would the teachings have motivated such a person to memorize “plural pages of the job” and compressing uniformly all of said plural pages using the same parameters which are decided on a job basis so as to supply the processed data to the output device as required by independent claims 1 and 12.

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The Examiner notes that he relies upon Ito et al. only to show that “image data” data is not limited “to just one page, but also [to a] plurality of pages.” There is no support for this finding in Ito et al. In the summary of their invention, Ito et al. state that the “apparatus has an image reader for reading an image of a document, and a print device ... for forming a color image ... on a sheet of paper from image data of the plurality of documents.” Nowhere does Ito et al. disclose or suggest, let alone teach, that memorizing a plurality of pages and color compressing all of the plural pages uniformly as required by the claims.

For all of the foregoing reasons, the Examiner has not established a *prima facie* case of obviousness of the claims over the combined teachings of Suzuki et al. and Ito et al. It is respectfully requested that rejection of claims 1, 5, 6 and 11-13 under 35 U.S.C. 103(a) be reconsidered and withdrawn.

Conclusion

It is respectfully requested that favorable consideration be given to all of the claims of this application. However, should the Examiner consider that some or all of the claims would be allowable if further amended in a specific manner, the Examiner is requested to contact Applicant’s attorney at the telephone number shown below.

A petition for a three-month extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due under 37 C.F.R. § 1.17 and due in connection with the

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filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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